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13 MASIMO CORPORATION and
14 MASIMO AMERICAS, INC.

15
16 IN THE UNITED STATES DISTRICT COURT
17 FOR THE CENTRAL DISTRICT OF CALIFORNIA

18 PHYSICIANS HEALTHSOURCE,
19 INC., et al.,

20 Plaintiffs,

21 v.

22 MASIMO CORPORATION, et al.,

23 Defendants.

Case No. 8:14-cv-00001 JVS (ADSx)

Hon. Judge James V. Selna

**NOTICE OF SUPPLEMENTAL
AUTHORITY IN OPPOSITION
TO PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

HEARING:

Date: March 9, 2020

Time: 1:30 p.m.

Trm: 10C

Defendants Masimo Corporation and Masimo Americas, Inc. (“Masimo”) respectfully submit the following decisions as supplemental authority in opposition to Plaintiffs Motion for Summary Judgment:

1. *In the Matter of Amerifactors Fin. Grp., LLC*, No. 05-338, 2019 WL 6712128 (F.C.C. Dec. 9, 2019) (FCC ruling that not all equipment capable of receiving a fax is actionable under the TCPA) (attached hereto as Exhibit A);

2. *Cordoba v. DIRECTV, LLC*, 942 F.3d 1259 (11th Cir. 2019) (vacating class certification and finding that standing under the TCPA required causation in addition to injury-in-fact) (attached hereto as Exhibit B); and

3. *Innovative Accounting Solutions, Inc. v. Credit Process Advisors, Inc.*, No. 1:15-CV-793, 2020 WL 948142 (W.D. Mich. Feb. 27, 2020) (rejecting strict liability under the TCPA for entities whose goods or services are advertised or promoted) (attached hereto as Exhibit C).

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: March 5, 2020

By: /s/ Benjamin A. Katzenellenbogen

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